

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	File No.: EB-TCD-12-00000217 <sup>1</sup>
	)	
Presidential Who's Who, Inc.	)	NAL/Acct. Nos.: 201132170023,
Presidential Who's Who	)	201032170005
	)	
	)	FRN: 0020197919

**FORFEITURE ORDER**

**Adopted: March 27, 2014****Released: March 28, 2014**

By the Commission:

**I. INTRODUCTION**

1. We impose a penalty of \$640,000 against Presidential Who's Who, Inc., for faxing more than 100 advertisements to consumers who did not request them, did not want them, and had no established business relationship with the company. Presidential Who's Who persisted in this conduct after Commission staff issued the company a formal citation, explained that its actions were unlawful, and warned that additional junk faxing could result in monetary forfeitures. Given that Presidential Who's Who failed to heed this warning, the Commission proposed \$640,000 in penalties through two prior Notices of Apparent Liability for Forfeiture of \$345,000 and \$295,000. Since that time, Presidential Who's Who has not offered a satisfactory defense for its actions, or satisfactory support for its claim that it cannot pay the proposed penalties. Due to the large number of violations at issue, the company's apparently intentional misconduct, and its failure to provide full and updated support for its inability to pay, we impose the total forfeiture of \$640,000.

**II. BACKGROUND**

2. Congress enacted the Telephone Consumer Protection Act of 1991 (TCPA) to address problems of abusive telemarketing, including junk faxes.<sup>2</sup> Unsolicited faxes often impose unwanted burdens on the called party, including costs of paper and ink, and make fax machines unavailable for legitimate business messages. Section 227(b)(1)(C) of the Act makes it "unlawful for any person within the United States, or any person outside the United States if the recipient is within the United States . . . to use any telephone facsimile machine, computer, or other device to send, to a telephone facsimile machine, an unsolicited advertisement."<sup>3</sup>

<sup>1</sup> This case was formerly assigned the file number EB-08-TC-2507. In January 2011, the Telecommunications Consumers Division assigned a new case number.

<sup>2</sup> Telephone Consumer Protection Act of 1991, Pub. L. No. 102-243, 105 Stat. 2394 (1991) (*codified as amended at* 47 U.S.C. § 227). *See also* Junk Fax Prevention Act of 2005, Pub. L. No. 109-21, 119 Stat. 359 (2005).

<sup>3</sup> 47 U.S.C. § 227(b)(1)(C). The prohibition is subject to certain exceptions, such as (1) if the sender has an "established business relationship" (EBR) with the recipient, and (2) the sender obtained the facsimile number from the recipient through voluntary communication in the context of an EBR, or from a directory, advertisement, or website through which the recipient voluntarily and publicly provided its facsimile number. In addition, the unsolicited ad must notify the recipient how to opt out of receiving future such ads, and do so in compliance with certain requirements. The Commission has adopted implementing rules. 47 C.F.R. § 64.1200(a)(4).

3. Pursuant to Section 503(b)(5) of the Act,<sup>4</sup> the Enforcement Bureau (Bureau) issued a citation to Presidential Who's Who<sup>5</sup> on June 18, 2008, in response to one or more consumer complaints alleging that Presidential Who's Who had faxed unsolicited advertisements.<sup>6</sup> The Bureau cited Presidential Who's Who for using a telephone facsimile machine, computer, or other device, to send an unsolicited advertisement for entry in and sale of the publication "Presidential Who's Who" to a telephone facsimile machine, in violation of Section 227(b)(1)(C) of the Act and Section 64.1200(a)(4) of the Commission's rules.<sup>7</sup> Mr. Frank Ciaccio, on behalf of Presidential Who's Who, requested an interview and claimed that the fax on which the citation was based was not an advertisement.<sup>8</sup> During the interview, staff informed Mr. Ciaccio that the fax in question was, in fact, an advertisement.<sup>9</sup>

4. Subsequently, the Commission received numerous complaints alleging that Presidential Who's Who continued to engage in the same conduct, and thus continued to violate Section 227(b)(1)(C) of the Act and Section 64.1200(a)(4) of the Commission's rules. These violations, which occurred after the citation, led the Commission to issue two NALs against Presidential Who's Who pursuant to Section 503(b)(4) of the Act.<sup>10</sup>

5. In the *September 2010 NAL*, the Commission proposed a forfeiture of \$345,000 based on 69 consumer complaints alleging 73 violations of our junk fax rules.<sup>11</sup> The NAL gave Presidential Who's

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<sup>4</sup> 47 U.S.C. § 503(b)(5).

<sup>5</sup> According to publicly available information, Presidential Who's Who, Inc. is also operating under the business name of Presidential Who's Who. Lexis Business Reports Database available at [www.lexis.com](http://www.lexis.com) (last visited Mar. 19, 2014). Therefore, all references in this Order to "Presidential Who's Who, Inc." encompass Presidential Who's Who, Inc. as well as Presidential Who's Who. Presidential Who's Who, Inc. has had offices at 134 Rockaway Ave., Valley Stream, NY 11580, and 17 West Merrick Rd., Suite B, Valley Stream, NY 11580-5701. Frank Ciaccio is President and Chief Executive Officer, and Mark Anthony McGuiness is Chief Operating Officer. All references in this Order to Presidential Who's Who, Inc. also encompass the foregoing individuals, as well as the corporate entity itself.

<sup>6</sup> Citation from Kurt A. Schroeder, Deputy Chief, Telecommunications Consumers Division, FCC Enforcement Bureau, to Presidential Who's Who (June 18, 2008) (on file in EB-08-TC-2507).

<sup>7</sup> *Id.*

<sup>8</sup> Telephone interview conducted on July 11, 2008 between Mr. Frank Ciaccio, representing Presidential Who's Who, and Kurt Schroeder, Deputy Chief, Telecommunications Consumers Division, FCC Enforcement Bureau, and Mary Romano, Special Advisor, Telecommunications Consumers Division, FCC Enforcement Bureau.

<sup>9</sup> *Id.* Also, during this interview, Commission staff explained to Mr. Ciaccio that the fax in question was a pretext to an advertisement, and thus, a prohibited unsolicited advertisement pursuant to the Act and the Commission's rules. 47 U.S.C. § 227(a)(5); 47 C.F.R. § 64.1200(f)(14). Mr. Ciaccio subsequently claimed that the fax was sent in error. However, neither the TCPA nor the Commission's rules contain any exceptions for unsolicited fax advertisements sent in error. *See also September 2010 NAL*, 25 FCC Rcd 13759 at 13762, para. 7; *June 2011 NAL*, 26 FCC Rcd 8989 at 8991-92, para. 8 (discussing the faxes in question serving as pretexts to advertise commercial products). *See infra* paras. 9-10.

<sup>10</sup> *See Presidential Who's Who dba Presidential Who's Who, Inc.*, Notice of Apparent Liability for Forfeiture, 25 FCC Rcd 13759 (2010) (*September 2010 NAL*); and *Presidential Who's Who dba Presidential Who's Who, Inc.*, Notice of Apparent Liability for Forfeiture, 26 FCC Rcd 8989 (2011) (*June 2011 NAL*).

<sup>11</sup> On November 10, 2010, Mr. Ciaccio sent a letter to the Commission claiming that he had not received the *September 2010 NAL*. *See* Letter from Frank Ciaccio, Presidential Who's Who, to Marlene H. Dortch, Secretary, Federal Communications Commission (Nov. 10, 2010) (on file in EB-08-TC-2507). On December 20, 2010, the Commission redirected a copy of the *September 2010 NAL* (and associated complaints) to the new address provided by the company via United States Postal Service and by e-mail. *See* Letter from Rosemary Cabral, Staff Attorney, Telecommunications Consumers Division, FCC Enforcement Bureau, to Frank Ciaccio, Presidential Who's Who (Dec. 20, 2010) (on file in EB-08-TC-2507). *See also* E-Mail from Rosemary Cabral, Staff Attorney, Telecommunications Consumers Division, FCC Enforcement Bureau, to Frank Ciaccio, Presidential Who's Who

Who an opportunity to file a written response seeking to reduce or cancel the proposed forfeiture.<sup>12</sup> In early January, Mr. Ciaccio requested an extension of time to respond to the NAL.<sup>13</sup> On January 26, 2011, Mr. Ciaccio submitted a response identifying the websites from which Presidential Who's Who claims it obtained the fax numbers associated with the consumers who filed complaints against the company. Mr. Ciaccio stated that, "[a]s we understand the law, these numbers were obtained legally and not a single one of the fax numbers in question had a *do not solicit* notification attached to it."<sup>14</sup> Although Bureau staff asked Mr. Ciaccio to submit further information to show how the numbers were obtained "legally," he declined to do so.<sup>15</sup>

6. In the *June 2011 NAL*, the Commission proposed a forfeiture of \$295,000.<sup>16</sup> In response to the *June 2011 NAL*, on August 12, 2011, Mr. Ciaccio requested a meeting via teleconference with Commission staff.<sup>17</sup> On August 17, 2011, staff conducted the meeting during which Mr. Ciaccio admitted sending the faxes, but argued that the faxes were legal because, in his view, the Commission had not warned him that the faxes violated the Act and/or the Commission's rules.<sup>18</sup> Additionally, Mr. Ciaccio indicated that the company was unable to pay the proposed forfeiture amounts, and subsequently submitted some tax documentation in support.<sup>19</sup>

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(Dec. 20, 2010, 3:38 p.m. E.D.T.) (E-mail forwarded *September 2010 NAL*). Commission staff subsequently received an e-mail from Mr. Ciaccio confirming receipt. See E-Mail from Frank Ciaccio, Presidential Who's Who, to Rosemary Cabral, Staff Attorney, Telecommunications Consumers Division, FCC Enforcement Bureau (Jan. 3, 2011, 11:08 a.m. E.D.T.).

<sup>12</sup> *September 2010 NAL*, 25 FCC Rcd at 13763.

<sup>13</sup> Mr. Ciaccio made his request for an extension via telephone to Rosemary Cabral, Staff Attorney, Telecommunications Consumers Division, FCC Enforcement Bureau, and followed up via e-mail. Mr. Ciaccio stated that additional time was required due to illness. See E-Mail from Frank Ciaccio, Presidential Who's Who, to Rosemary Cabral, Staff Attorney, Telecommunications Consumers Division, FCC Enforcement Bureau (Jan. 20, 2011, 3:07 p.m. E.D.T.).

<sup>14</sup> See Letter from Frank Ciaccio, Presidential Who's Who, to Rosemary Cabral, Staff Attorney, Telecommunications Consumers Division, FCC Enforcement Bureau, at 1 (filed Jan. 26, 2011) (on file in EB-08-TC-2507) (*PWW's NAL Response*); see also E-mail from Frank Ciaccio, Presidential Who's Who, to Rosemary Cabral, Staff Attorney, Telecommunications Consumers Division, FCC Enforcement Bureau (Feb. 3, 2011, 4:10 p.m. EDT) (including an electronic copy of *PWW'S NAL Response*). See *infra* para. 8.

<sup>15</sup> Commission staff requested by both telephone and e-mail that Presidential Who's Who submit additional information to support its response. See E-Mail from Rosemary Cabral, Staff Attorney, Telecommunications Consumers Division, FCC Enforcement Bureau, to Frank Ciaccio, Presidential Who's Who (Feb. 7, 2011, 2:05 p.m. E.D.T.) (e-mail following conversation requesting additional information in support of January 26, 2011 letter from Presidential Who's Who).

<sup>16</sup> See *supra* note 10. Presidential Who's Who acknowledged receipt of the NAL, as evidenced by a signed United States Postal Service return receipt, Article Number 7008 1140 0000 8055 9798 (dated June 16, 2011).

<sup>17</sup> See E-mail from Frank Ciaccio, Presidential Who's Who, to Rosemary Cabral, Staff Attorney, Telecommunications Consumers Division, FCC Enforcement Bureau (Aug. 12, 2011, 11:07 a.m. EDT).

<sup>18</sup> Telephone interview conducted on August 17, 2011 between Mr. Ciaccio, Presidential Who's Who, Richard A. Hindman, Chief, Consumers Telecommunications Consumers Division, FCC Enforcement Bureau, and Rosemary Cabral, Staff Attorney, Telecommunications Consumers Division, FCC Enforcement Bureau. Although Mr. Ciaccio claimed that he had not been warned that such activity was unlawful, Commission staff reminded Mr. Ciaccio that Commission staff had previously informed him—in both the interview after the citation was issued in July 2008, and then again in the *September 2010 NAL*—that the subject matter of the Presidential Who's Who faxes constituted an advertisement prohibited under the Act and the Commission's rules. See *supra* notes 9, 11; see also *September 2010 NAL*, 25 FCC Rcd 13759.

<sup>19</sup> See Facsimile from Frank Ciaccio, Presidential Who's Who, to Rosemary Cabral, Staff Attorney, Telecommunications Consumers Division, FCC Enforcement Bureau (October 24, 2011, 9:56 a.m. EDT).

### III. DISCUSSION

7. Section 503(b)(2)(D) authorizes the Commission to assess a maximum forfeiture of \$16,000 per violation against an entity such as Presidential Who's Who.<sup>20</sup> In exercising such authority, the Commission must consider "the nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require."<sup>21</sup> As discussed above, the Commission issued two separate NALs to Presidential Who's Who and proposed a total forfeiture of \$640,000.

8. In its responses to the two NALs, Presidential Who's Who raises three arguments. First, Presidential Who's Who claims that it did not have sufficient notice that the faxes it sent qualified as unsolicited facsimile advertisements.<sup>22</sup> Second, the company contends it "legally" obtained the numbers to which it directed the faxes from websites, such that it was authorized to send the faxes to the fax recipients.<sup>23</sup> Finally, the company asserts that it cannot afford to pay the forfeitures proposed against the company in both the *September 2010 NAL* and *June 2011 NAL*.<sup>24</sup>

9. *Legal Status of Faxes and Notice.* As the Bureau did in its citation and the Commission did in both of its NALs, we conclude that the facsimiles that Presidential Who's Who sent to consumers constitute unsolicited facsimile advertisements, and we find that Presidential Who's Who had notice of that fact. The faxes at issue offer entry in the publication "Presidential Who's Who" and advertise that publication either explicitly or in conjunction with follow-up telephone calls from Presidential Who's Who. At best, the faxes serve as part of an "overall marketing campaign to sell property, goods, or services"; thus, for purposes of the junk fax rules, they are unsolicited facsimile advertisements.<sup>25</sup>

10. Presidential Who's Who had ample notice that its faxes constituted unsolicited facsimile advertisements. For one, the citation the Bureau issued provided sufficient notice of the law and the fact that the faxes sent by Presidential Who's Who violated the junk-fax rules. For another, in the interview between Mr. Ciaccio and Bureau staff that followed the company's challenge to the Bureau's citation, staff explained the law: the faxes are "pretexts" to an advertisement and are thus prohibited under the Act and the Commission's rules.<sup>26</sup> Even without such warnings, ignorance of the law "does not exonerate, excuse, or mitigate violations."<sup>27</sup> Notwithstanding the notice and warnings, Presidential Who's Who

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<sup>20</sup> 47 U.S.C. § 503(b)(2)(D). Section 503(b)(2)(D) provides for forfeitures of up to \$10,000 for each violation in cases where the violation does not involve Commission licensees or common carriers, among others. See 47 U.S.C. § 503(b)(2)(C). In accordance with the inflation adjustment requirements contained in the Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, Sec. 31001, 110 Stat. 1321, the Commission increased the maximum statutory forfeiture under Section 503(b)(2)(C) to \$16,000. See 47 C.F.R. § 1.80(b)(7). See also *Amendment of Section 1.80(b) of the Commission's Rules, Adjustment of Forfeiture Maxima to Reflect Inflation*, 23 FCC Rcd 9845 (2008) (amendment of section 1.80(b) to reflect an increase in the maximum forfeiture for this type of violation to \$16,000).

<sup>21</sup> 47 U.S.C. § 503(b)(2)(E).

<sup>22</sup> See *supra* note 18.

<sup>23</sup> See *supra* note 14.

<sup>24</sup> See *supra* note 19. During the August 17, 2011 interview, Mr. Ciaccio indicated that the company was unable to pay the proposed forfeiture amounts.

<sup>25</sup> *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Junk Fax Prevention Act*, Report & Order & Third Order on Reconsideration, 21 FCC Rcd 3787 at 3814 (2006) (*Junk Fax Prevention Act R&O*).

<sup>26</sup> See *supra* note 9.

<sup>27</sup> *Start Wireless Group, Inc. D/B/A Page Plus Cellular*, 27 FCC Rcd 350, 354 (Enf. Bur. 2012) (although violator claimed that it was "completely unaware" of its obligation to comply with the rules, ignorance of the Act or the Commission's rules does not exonerate, excuse, or mitigate violations). Longstanding Commission precedent

continued to fax unsolicited advertisements at least *seventy-three* more times over the next several months, which resulted in the *September 2010 NAL*. Although Presidential Who's Who was again notified of its unlawful conduct with that NAL, the company continued to engage in unlawful conduct by sending at least *thirty-one* additional unsolicited advertisements, which resulted in the *June 2011 NAL*. Accordingly, we conclude that the company had notice that its activities were unlawful.

11. *"Legally" Obtained Fax Numbers.* Pursuant to both the Act and the Commission's rules, a fax sender must have an EBR with the recipient to send an unsolicited advertisement via facsimile.<sup>28</sup> Presidential Who's Who maintains that it obtained the fax numbers from public websites. Yet, "[t]he fact that a facsimile number was made available in a directory, advertisement or website does not alone entitle a person to send a facsimile advertisement to that number."<sup>29</sup> Presidential Who's Who never claimed to have an EBR with the fax recipients who filed complaints, nor did it ever demonstrate that these recipients gave their permission to receive fax transmissions. Accordingly, we find that Presidential Who's Who's claim that it obtained the fax numbers legally is irrelevant to the question of whether it violated the TCPA.

12. *Inability to Pay.* We decline to reduce the forfeiture proposed against Presidential Who's Who based on its claimed inability to pay the full amount of the forfeiture. The Commission generally considers a company's gross revenues to be the best indicator of a company's ability to pay a forfeiture.<sup>30</sup> Parties must support a claim of inability to pay with federal tax returns for the most recent three-year period and/or some other reliable and objective documentation that accurately reflects the party's current financial status.<sup>31</sup>

13. Presidential Who's Who originally produced tax returns to try to support its claim, but it has failed to provide more current and updated information, notwithstanding the Bureau's request that it do so. In November 2011, Presidential Who's Who produced its 2008, 2009, and 2010 tax returns. A year later, in November 2012, Bureau staff communicated with Mr. Ciaccio about potential settlement, and at that time he claimed that Presidential Who's Who had gone out of business shortly after submitting its tax returns to the Bureau in 2011. Staff asked Mr. Ciaccio to provide evidence of the change in the operating status of Presidential Who's Who, as well as updated financial information. Mr. Ciaccio appeared poised to provide these materials, asking for (and receiving) an extension of the staff's original deadline for submission, but that date came and went without Mr. Ciaccio submitting any of the requested materials. Staff has since attempted to communicate with him about his failure to provide the information needed to assess his claims and the current financial wherewithal of the company, but these efforts have been unsuccessful. Moreover, New York State records indicate that "Presidential Who's Who Inc." is an

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supports the proposition that ignorance of the law is not a defense or mitigating circumstance. *See Dynasty Mortgage, LLC*, 20 FCC Rcd 4921, 4929 (2005) (citing *Southern California Broadcasting Co.*, 6 FCC Rcd 4387, 4388 (1991), *recon. denied*, 7 FCC Rcd 3454 (1992)).

<sup>28</sup> 47 C.F.R. § 64.1200(a)(4)(i). An EBR is an established business relationship. *See supra* note 3; 47 C.F.R. § 64.1200(f)(6).

<sup>29</sup> *Junk Fax Prevention Act R&O*, 21 FCC Rcd at 3797.

<sup>30</sup> *See, e.g., Alpha Ambulance, Inc.*, 19 FCC Rcd 2547, 2548-49 ¶ 5 (2004); *Long Distance Direct, Inc.* 15 FCC Rcd 3297, 3305 (2000); *PJB Communications of Virginia, Inc.*, 7 FCC Rcd 2088, 2089 ¶ 8 (1992); *see also Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines, Report and Order*, 12 FCC Rcd 17087, 17106-07 ¶ 43 (1997).

<sup>31</sup> *See, e.g., June 2011 NAL*, 26 FCC Rcd at 8996.

active corporation,<sup>32</sup> and other information suggests an upswing in the financial situation of Presidential Who's Who in 2012.<sup>33</sup>

14. Even if Presidential Who's Who had provided updated financial information to support its claimed inability to pay, such evidence must be weighed against the nature of its misconduct. As indicated, "ability to pay" is but one factor the Commission must consider in determining the amount of any forfeiture penalty; the Commission must also consider "the nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, . . . and such other matters as justice may require."<sup>34</sup> Our forfeiture guidelines indicate that we may adjust forfeitures upward when certain aggravating factors are present, such as when egregious misconduct or substantial harm is involved, or when the violator has intentionally, continuously, or repeatedly violated the law. Applying these factors here, the evidence shows that Presidential Who's Who continuously and repeatedly violated the junk fax prohibition, as indicated by approximately 100 complaints. The evidence also shows that the company appears to have done so intentionally, given its repeated violations after receiving warning that its conduct was unlawful.

15. Weighing the factors enumerated in the Act and our forfeiture guidelines, we find that Presidential Who's Who has not produced sufficient current financial information to support its claimed inability to pay the forfeiture proposed against it, and that its conduct appears to have been continuous, repeated, and intentional. Accordingly, we decline to reduce the forfeiture proposed against Presidential Who's Who.

#### IV. CONCLUSION

16. We affirm our findings in the previous NALs against Presidential Who's Who, and we find no reason to adjust the forfeitures proposed in those NALs. We therefore impose a forfeiture of \$640,000 against Presidential Who's Who for willful and repeated violations of Section 227(b)(1)(C) of the Act and Section 64.1200(a)(4) of the Commission's rules.

#### V. ORDERING CLAUSES

17. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Communications Act of 1934, as amended, 47 U.S.C. § 503(b), and Section 1.80(f)(4) of the Commission's rules, 47 C.F.R. § 1.80(f)(4), Presidential Who's Who **IS LIABLE FOR A MONETARY FORFEITURE** to the United States Government in the sum of \$640,000 for willfully and repeatedly violating Section 227(b)(1)(C) of the Communications Act, 47 U.S.C. § 227(b)(1)(C), and Section 64.1200(a)(4) of the Commission's rules, 47 C.F.R. § 64.1200(a)(4).

18. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within thirty (30) calendar days after the release date of this Forfeiture Order.<sup>35</sup> If the forfeiture is not paid within the period specified, the case may be referred to the U.S. Department of Justice for enforcement of the forfeiture pursuant to Section 504(a) of the Act.<sup>36</sup> Presidential Who's Who shall send electronic notification of payment to Johnny Drake at [Johnny.Drake@fcc.gov](mailto:Johnny.Drake@fcc.gov), Rosemary Cabral at [Rosemary.Cabral@fcc.gov](mailto:Rosemary.Cabral@fcc.gov), and Phillip Priesman at [Phillip.Priesman@fcc.gov](mailto:Phillip.Priesman@fcc.gov) on the date said payment is made.

<sup>32</sup> Westlaw Corporate Records & Business Registrations database, 2014 Westlaw Record ID 3496939, *available at* <http://www.westlaw.com> (last visited Mar. 19, 2014).

<sup>33</sup> Westlaw Business Profile Record, *available at* <http://www.westlaw.com> (last visited Mar. 19, 2014), Westlaw Business Profile reports sales of more than \$6 million in 2012 for Presidential Who's Who's Merrick Road address.

<sup>34</sup> 47 U.S.C. § 503(b)(2)(E).

<sup>35</sup> 47 C.F.R. § 1.80.

<sup>36</sup> 47 U.S.C. § 504(a).



19. The payment must be made by check or similar instrument, wire transfer, or credit card, and must include the NAL/Account number and FRN referenced above. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted.<sup>37</sup> When completing the FCC Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the letters “FORF” in block number 24A (payment type code). Below are additional instructions Presidential Who’s Who should follow based on the form of payment it selects:

- Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with the completed Form 159) must be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.
- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. To complete the wire transfer and ensure appropriate crediting of the wired funds, a completed Form 159 must be faxed to U.S. Bank at (314) 418-4232 on the same business day the wire transfer is initiated.
- Payment by credit card must be made by providing the required credit card information on FCC Form 159 and signing and dating the Form 159 to authorize the credit card payment. The completed Form 159 must then be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

20. Any request for full payment under an installment plan should be sent to: Chief Financial Officer—Financial Operations, Federal Communications Commission, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554.<sup>38</sup> If Presidential Who’s Who has questions regarding payment procedures, it should contact the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, [ARINQUIRIES@fcc.gov](mailto:ARINQUIRIES@fcc.gov).

21. **IT IS FURTHER ORDERED** that a copy of the Forfeiture Order shall be sent by mail and certified mail return receipt requested to Presidential Who’s Who, Inc., Attention: Frank Ciaccio, President and Chief Executive Officer, and Mark Anthony McGuinness, Chief Operating Officer, 134 Rockaway Avenue, Valley Stream, NY 11580.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

<sup>37</sup> FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

<sup>38</sup> See 47 C.F.R. § 1.1914.